IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL PELLATE JURISDICTION

CIVIL APPLICATION NO. 2937 OF 2004

IN

CIVIL APPLICATION NO. 263 OF 2004

IN

WRIT PETITION NO. 9376 OF 2003

M/s. SAI RE-POWERING

WORKS PVT. LTD. & ORS. .. APPLICANTS

Vs.

UNION OF INDIA & ANR. .. RESPONDENTS

Mr. V. V. Pai for applicants

Mr. H. P. Narsane for R-2, Bank.

CORAM:-SMT. RANJANA DESAI &

A.S. OKA, JJ.

DATED:-20-12-2004

P.C.

This writ petition was finally disposed of by the Division Bench of this Court on 13th August, 2004, to which one of us (Smt. Ranjana Desai, J.) was a party.

2. It appears that some settlement is arrived at between the petitioners and the bank. This civil application is taken out in the disposed of petition with a prayer for restoration of the writ petition and also for taking an undertaking in terms of clause 5 as contained in communication dated 4.12.2004 which is annexed to the application. Since the petition is finally disposed of on merits there is no question of restoring it to the file nor can any undertaking be taken on the High Court's file.

3. The learned counsel for the Bank on instructions from Mr. Vasant R. Kunder, Senior Manager (Credit) Bank of India, Andheri (West) Branch, who is present in the court today states that clause 5 of the letter dated 4.12.2004 will be amended and in place of words High Court, the words Debt Recovery Tribunal will be substituted.

4. Civil application is disposed of.

5. Parties to act on copy of this order duly authenticated by Sheristedar of this court.

(SMT. RANJANA DESAI, J.)

(A. S. OKA, J.)